

Official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products

2013/0140(COD) - 06/01/2017 - Commission communication on Council's position

The Commission gave its opinion on the position of the Council at first reading on the adoption of a Regulation on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

General comments: the Commission considered that the common position adopted by the Council **reflects the original goals of the Commission proposal and takes into account many concerns of the European Parliament.**

Although on certain elements, the common position differs from the Commission's original proposal, the Commission considered that it represents a carefully balanced compromise.

In relation to the **organic sector**, the European Parliament was supportive of the Commission approach to have, in the Official Controls Regulation, Commission empowerments for the adoption of control rules to specifically cater for the organic sector.

This approach was not reflected in the Council general approach, which removed the empowerments and introduced a considerable number of specific rules (and corresponding empowerments) in the organic proposal. To facilitate the co-legislators' agreement, and after careful consideration that the effectiveness of controls would not be compromised, the Commission accepted a fewer number of empowerments in the Official Controls Regulation for the organic sector.

Amendments of the European Parliament: the Commission indicated that it could accept in full, in part, in principle or subject to rewriting 129 of the 319 amendments, as it considered that these amendments could clarify or improve the Commission proposal and were consistent with its general aims.

The European Parliament amendments accepted by the Commission and incorporated in full, in part or in principle in the position of the Council aim to:

- require enforcement authorities to **take account of the likelihood that consumers might be misled** about the nature, identity and properties of food when performing risk-based controls;
- propose the establishment of an **European Reference Centres** for the authenticity and integrity of the agri-food chain;
- oblige Member States to put in place effective mechanisms to **protect whistle-blowers** against retaliation, discrimination or other unfair treatment;
- turn the establishment of European Reference Centres into a legal obligation.

Amendments of the European Parliament accepted by the Commission but not incorporated in the position of the Council concern:

- extending the scope of the proposal to marketing standards and rules for agricultural products as governed by the provisions of [Regulation \(EU\) No 1308/2013](#). According to the compromise

reached, the scope of the official controls Regulation would cover those checks carried out under marketing standards legislation which identify possible fraudulent or deceptive practices;

- establishing financial penalties applicable to fraudulent or deceptive practices to be set at an amount that is at least double to the economic advantage sought by the perpetrator.

Amendments of the European Parliament rejected by the Commission and not incorporated in the position of the Council at first reading concern:

- the deletion of rules on mandatory fees for official controls;
- the permanent presence of an **official veterinarian during ante- and post-mortem inspections** as well as the possibility of involving slaughterhouse staff during official controls, under the supervision of an official veterinarian, should be limited to poultry and lagomorphs;
- the proposal to add "foods containing products of animal origin" to the categories of goods to be subject to mandatory systematic controls at border control posts;
- the obligation for physical checks on animals and on all products of animal origin entering the Union, to be carried out by an official veterinarian.

As regards the **financing of official controls**, the Commission accepted the amendments to the proposal made by the Council which introduce a mandatory fees regime similar to the current one. Furthermore, rules on fees transparency, concerning the calculation of fees, as proposed by the Commission, have been essentially retained.